

07-02-23-17

FINANCIJSKA AGENCIJA
ODSJEK ZA PRIJEM, EVIDENTIRANJE
I POHRANU OSNOVA ZA PLAĆANJE
ZAGREB 1

26-09-2023

Form 3.

PREDSTEČAJNE NAGODBE
PRIMANJE I OTPREMA POŠTE
KLASA:
UR. BROJ:

FINANCIJSKA AGENCIJA

OIB: 8582113036

Ulica grada Vukovara 70, 10 000 Zagreb
(address of competent unit)

Competent commercial court Trgovački sud u Zagrebu

Business file number 67. St-1987/23

**PRIJAVA TRAŽBINE VJEROVNIKA U PREDSTEČAJNOM POSTUPKU
(CLAIMS OF CREDITORS IN PRE-BANKRUPTCY PROCEDURE)**

INFORMATION ABOUT THE CREDITOR:

Name and surname / company or name	Amandus Kahl GmbH & Co. KG
OIB	n/a. Creditor is registered with the commercial register of the local court (<i>Amtsgericht</i>) of Lübeck under HRA 1046 RE; tax registration no. DE 135 508 903
Address / headquarters	Dieselstrasse 5, 21465 Reinbek, Germany

DATA ON THE DEBTOR:

Name and surname / company or name	EKSID d.o.o. Zagreb
OIB	36114963935
Address / headquarters	Fallerovo šetalište 16; 10000 Zagreb; Croatia

CLAIM DATA:

The legal basis of the claim (e.g. a contract, a decision of a court or other body, if a court proceeding is in progress, the designation of the file and the indication of the court where the proceeding is conducted):

On 26 June 2018 the creditor and the debtor entered into a contract ("Supply Contract") for the supply of machines and equipment for completion of 1 Drying and Pelleting Plant ("Machinery") (Order Confirmation No. 33/00420/18 attached hereto as Annex 1).

The Parties agreed that the Supply Contract shall be governed by German law. According to section 52 of Orgalime, which are an integral part of the Supply Contract, the creditor retains title to the machines until paid for in full.

Debtor did not fulfil his payment obligations with regards to the last 10% (i.e. EUR 142.546,40) of the Supply Contract ("Remaining Amount"). Therefore, debtor and creditor agreed on or about 11 November 2021 to defer the Remaining Amount and that creditor is entitled to set-off with amounts of minimum EUR 15.000,00 per year from the amounts owed by the creditor to debtor under the agency agreement (see Annex 2 attached hereto).

Subsequently, for the period dated 11 November 2021 until 4 July 2023 a total amount of EUR 53.953,56 has been set-off, leading to a total remaining claim of creditor in the amount of EUR 88.592,84.

Amount of due claim	88.592,84 (€)
Principal	88.592,84 (€)
Interest	n.a.

The amount of the claim that is due after the opening of the pre-bankruptcy procedure
88.592,84 (€)

Evidence of the existence of a claim (e.g. invoice, extract from business books)

Attachments:

Annex 1 - Supply Contract (Order Confirmation incl. Orgalime)

Annex 2 – Agreement regarding deferral and set-off of Remaining Amount and Calculation/overview of amounts already set off

The creditor has a writ of execution ~~YES~~ / **NO** for the amount _____ (€)

Name of the enforcement document

DETAILS ON DIFFERENT RIGHTS:

The legal basis of the different law

A part of the property to which a separate right applies

Claim amount _____ (€)

The separate creditor waives the right to separate settlement I WAIVE / I DO NOT WAIVE

The separate creditor agrees to postpone the settlement of the case to which his separate right applies in order to implement the restructuring plan I AGREE / I DO NOT AGREE

DATA ON THE EXCLUSIVE RIGHT:

Legal basis of extractive right

See above under claim data : creditor has not yet received full payment for the Machinery and therefore owns the title to Machinery pursuant to the Supply Contract.

Part of the property to which the exclusive right applies

Machines and equipment for completion of 1 Drying- and Pelleting Plant (see Supply Contract).

The exclusive creditor agrees to separate the case to which his exclusive right applies for the implementation of the restructuring plan I AGREE / I DO NOT AGREE

Place and date

Reinbek, 26.09.2023

Creditor's signature

ppa.

Andreas Schultz

Annex 2

1.

EKSID d.o.o. - 5015655

text	document date	Amount	Currency
<input checked="" type="checkbox"/> Remaining amount 10% after commissioning - 116417 (Bio Peleti)	05.04.2019	142.546,40	EUR
Commission 7210247 (136168 Drvenjaca)	11.11.2021	-9.735,00	EUR
Commission 7210104 (138394 EKSID TECH)	02.06.2021	-10.000,00	EUR
Commission 7210290 (December 21)	06.01.2022	-3.438,42	EUR
Commission 7220039 (February 22)	04.03.2022	-1.961,59	EUR
Commission 7220070 (March 22)	07.04.2022	-2.607,23	EUR
Commission 7220093 (April 22)	06.05.2022	-1.410,48	EUR
Commission 7220218 (August - September 22)	11.10.2022	-8.015,73	EUR
Commission 7220293 (December 22)	11.01.2023	-3.022,42	EUR
Commission 7230018 (January 23)	02.02.2023	-5.360,67	EUR
Commission 7230034 (February 23)	07.03.2023	-4.986,92	EUR
Commission 7230138 (June 23)	04.07.2023	-3.415,10	EUR
			88.592,84
			EUR